



**FARMERS
BRANCH**

ORDINANCE NO. 3111

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT LOCATED AT 13881 MIDWAY ROAD, SUITE 105, WITHIN THE PLANNED DEVELOPMENT NUMBER 64 (PD-64) ZONING DISTRICT; AND BEING A PART OF THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit with special conditions for the on-premise sale and consumption of alcoholic beverages within a qualifying restaurant for property zoned Planned Development Number 64 (PD-64) zoning district, with respect to property known as 13881 Midway Road, Suite 105, Farmers Branch, Texas, said property being a 2400 square foot area of the building, more or less, located on the real property described in Exhibit "A" attached hereto and incorporated herein for all purposes, said building area being graphically shown on Exhibit "B," attached hereto and incorporated herein by reference ("the Property").

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SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 64 (PD-64) zoning district as well as the following special conditions:

- A. The sale of alcoholic beverages shall at all times be in full compliance with all requirements of laws and regulations of the State of Texas and the City of Farmers Branch Comprehensive Zoning Ordinance, as amended, relative to such use.
- B. The Property shall be developed and used only in accordance with the Site Plan attached as Exhibit "B", and which is hereby approved;
- C. The sales and service of alcoholic beverages on the Property shall at all times be in conformance with the Alcohol Awareness Program set forth in Exhibit "C," attached hereto and incorporated by reference.
- D. The hours of operation of the business on the Property shall at all times be in conformance with the following:

Days of Operation	Hours of Operations
Sunday through Thursday	Open to the public for business not earlier than 7:00 a.m. and closed to the public not later than 10:00 p.m.
Friday and Saturday	Open to the public for business not earlier than 7:00 a.m. and closed to the public not later than 11:00 p.m.

- E. No outdoor live music shall be allowed.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.


SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

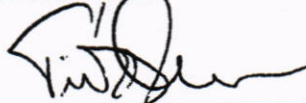
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 7th DAY OF DECEMBER, 2010.**

ATTEST:



Cindee Peters, City Secretary

APPROVED:



Tim O'Hare, Mayor

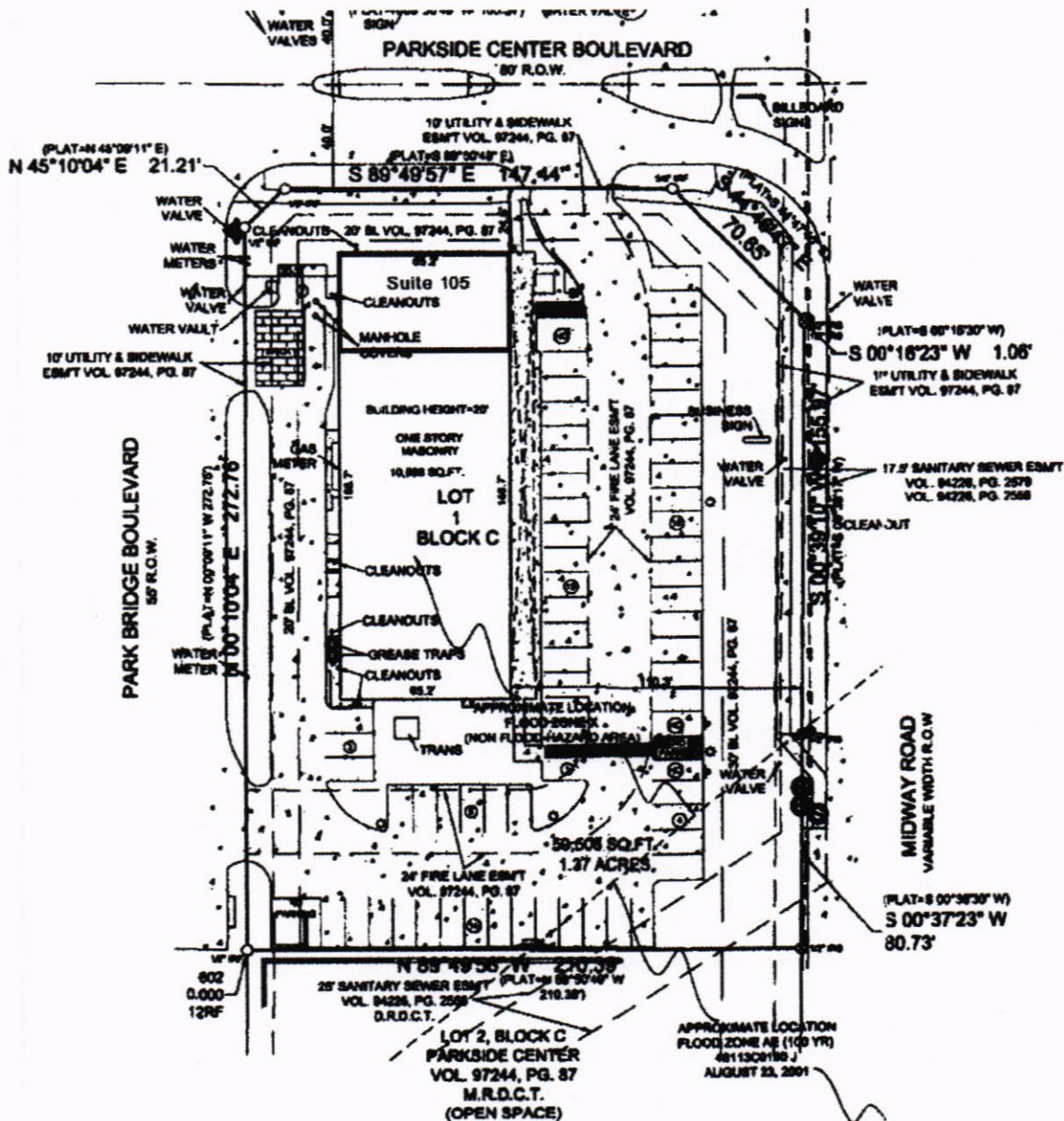
APPROVED AS TO FORM:



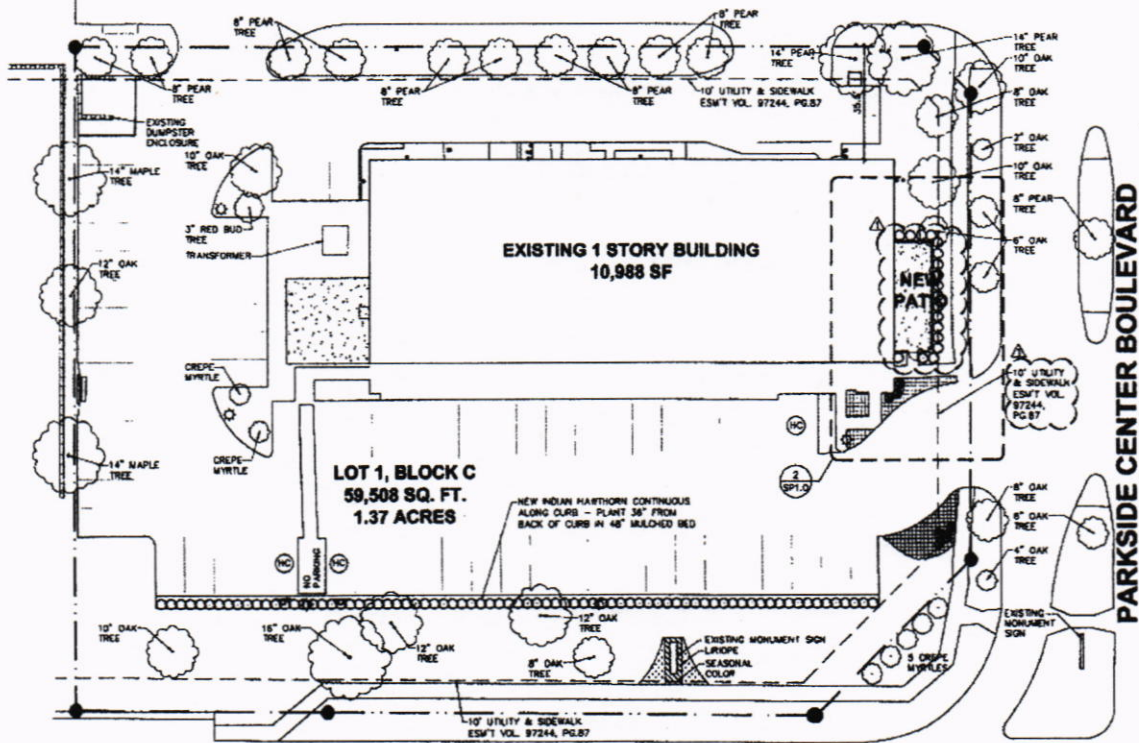
Peter G. Smith, City Attorney

EXHIBIT "A" Legal Description

Being the northernmost suite (Suite 105) containing approximately 2,400 square feet in the existing building located on Lot 1, Block C, of Parkside Center, an addition to the City of Farmers Branch, Dallas County, Texas, according to the map or plat thereof recorded Volume 97244, Page 87 the Map Records, Dallas County, Texas.



PARK BRIDGE BOULEVARD

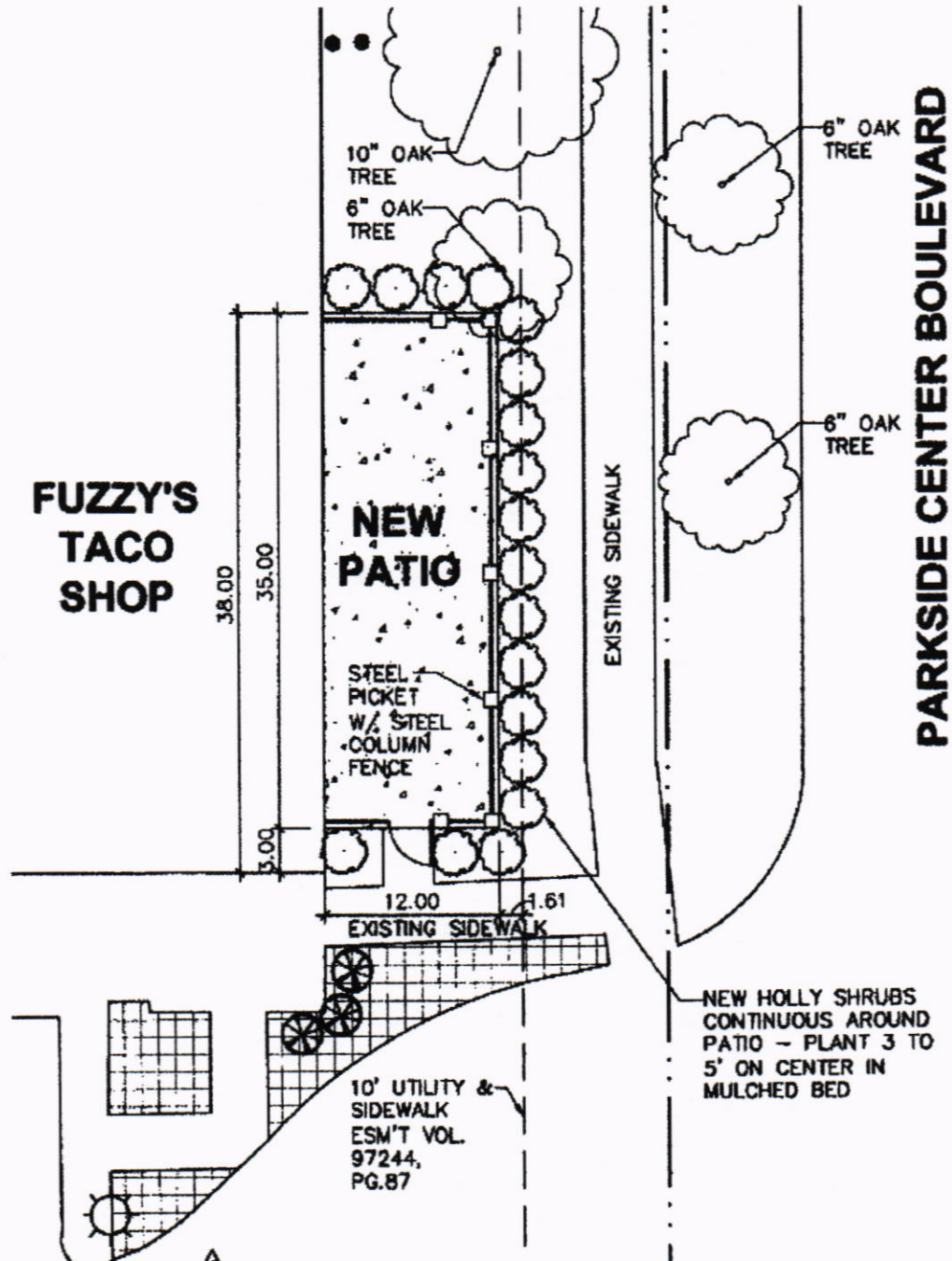


MIDWAY ROAD

1 SITE PLAN

Ordinance No. 3111
EXHIBIT "B" Overall Site Plan

EXHIBIT "B" Proposed Covered Patio Area



Ordinance No. 3111

EXHIBIT "B" Site Plan (Floor Plan)

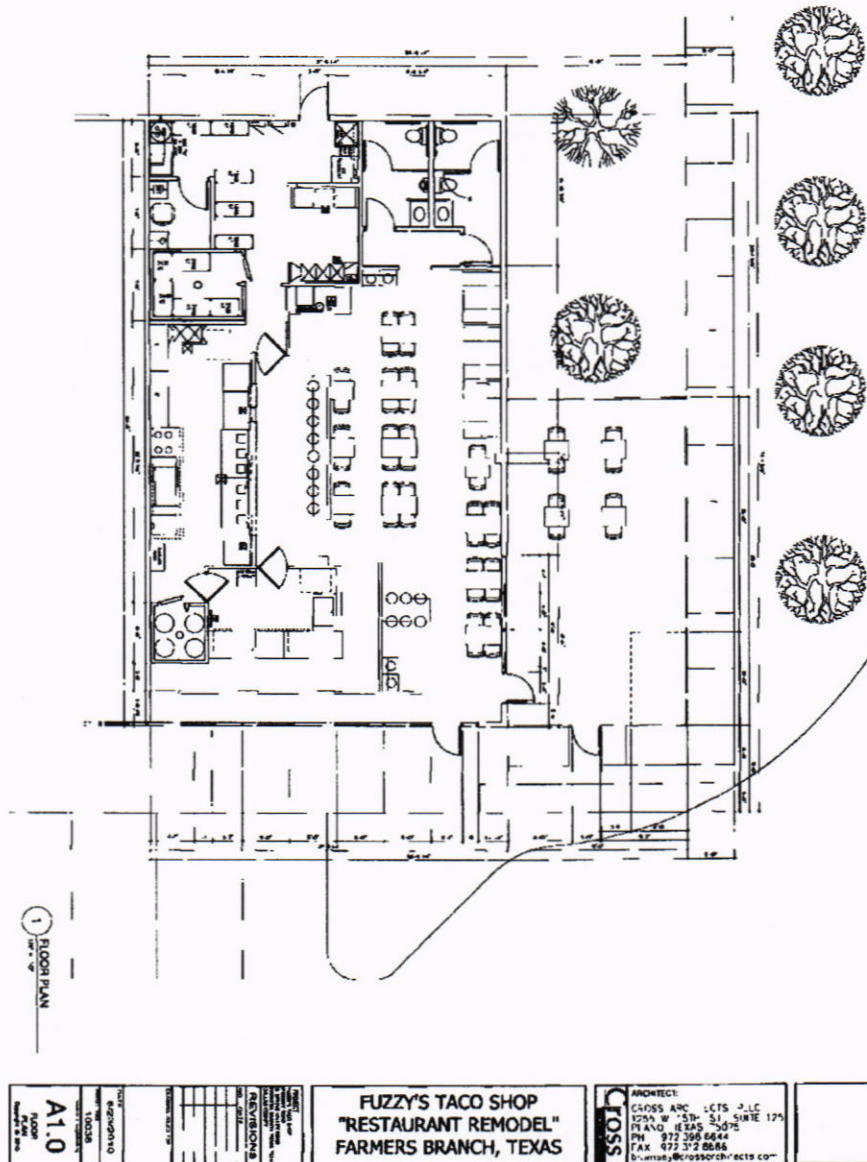
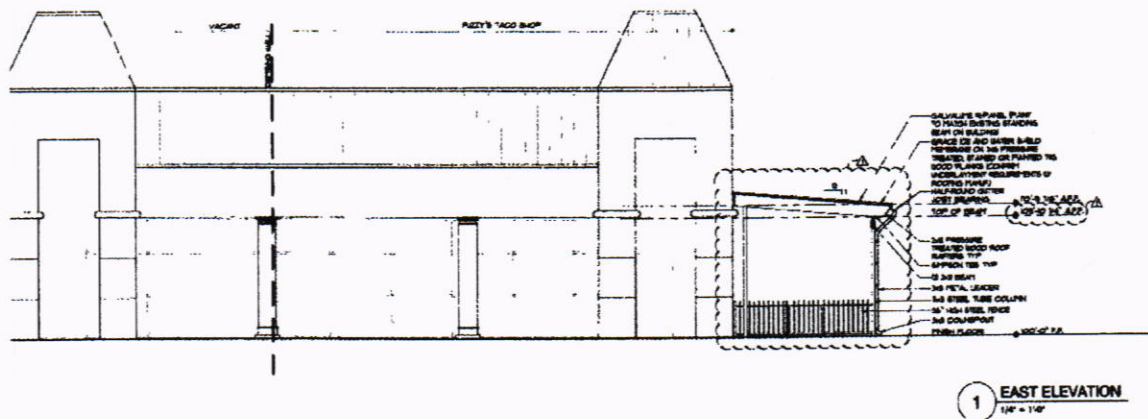
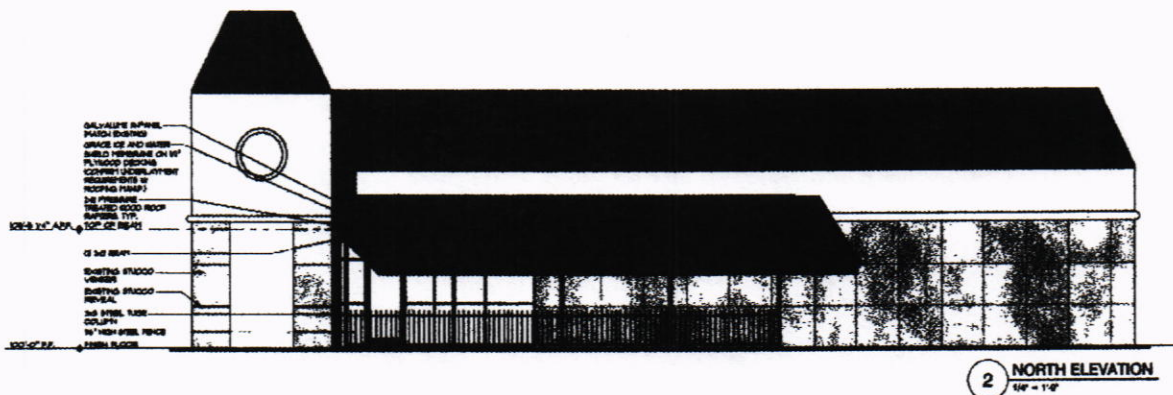


EXHIBIT "B" Site Plan (Building Elevation)



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EXHIBIT "C" - Alcohol Awareness Program



Fuzzy's Taco shop (Farmers Branch) requirements for alcohol service are as follows:

1. Fuzzy's Taco Shop will require all service staff and managers to attend a state-approved alcohol-serving program. The program will comply with the Texas Alcohol Beverage Code.
2. All Fuzzy's Taco Shop service staff and managers will be required to successfully complete a written examination at the end of the state approved alcohol-serving program.
3. Customers will provide a legal picture ID that will consist of one of the following: Driver's License, Military ID, State ID or Passport upon request.
4. A Fuzzy's Taco Shop Manager will be on duty to ascertain whether or not a customer can be served alcohol.
5. Fuzzy's Taco Shop will abide by the Texas Penal Code.
6. Fuzzy's Taco Shop will abide by the Texas Alcoholic Beverage Code.
7. All of Fuzzy's Taco Shop employees who directly or indirectly handle alcoholic beverages will be at least 18 years of age.
8. Only Fuzzy's Taco Shop service staff will serve alcoholic beverages, and all alcoholic beverages will be served for consumption inside the restaurant only, until such time as the approval for patio consumption is approved by the city of Farmers Branch.
9. All customers who purchase alcoholic beverages must be at least 21 years of age.
10. Alcoholic beverages will not be sold, served or delivered to any person who is, or is believed to be intoxicated.
11. Anyone that is, or is believed to be intoxicated, will not be permitted to remain on the premises.
12. Fuzzy's Taco Shop will call a cab to transport anyone who is, or is believed to be intoxicated.
13. Any unlawful acts will be reported to the police.
14. No alcoholic beverages will be sold before opening.
15. No alcoholic beverages will be sold after closing.
16. Fuzzy's Taco Shop will not hang any exterior signs advertising the sale of alcohol.
17. Fuzzy's Taco Shop's gross sale of food shall be at least 60% of the gross sales for each quarterly reporting period.
18. Fuzzy's Taco shop will exhibit liquor license and certificates as required.